

Notice of Allowability	Application No.	Applicant(s)	
	09/978,539	NIWA, YUSHI	
	Examiner	Art Unit	
	Lynda Jasmin	3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/4/06.
2. ☒ The allowed claim(s) is/are 1-18.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance:

The closest prior art Ronning (5,907,617), discloses a try before you buy software distribution system having software programs that are enabled for execution upon selection by a user, and the user is allowed to subsequently operate or sample the selected software program. The system maintains the selected software program in the locked state during the sampling in order to prevent unauthorized duplication of the selected software program. The sampling of the selected software program is selectively disabled, such as when the user completes the sampling or if the system detects that the user is attempting to copy the sampled application. The system of Ronning, therefore, maintains the digital information in a locked state by using the secure interface or protective envelope. When a user requests to purchase the information and provides any required information such as a credit card number, the system distributes an unlocked copy of the digital information to the user.

It is clear from the description of Ronning's invention that the prior art does not considered the possibility of *"distributing partial data from a source to a user over a communication network where the partial data comprises attribute data and only a part of distribution data, in combination with having the distributed data been separated into part and a remaining part,"* as commonly recited in independent claims 1, 2, 3 and 4.

The next closest prior art Kikuchi et al. (2002/0010740 A1), discloses a content distribution system comprising a portable terminal, a distribution server capable of communicating with the portable terminal, and a client terminal capable of

Art Unit: 3627

communicating with the distribution server and in which a content item is distributed from the distribution server to the portable terminal. The distribution server comprises a database for storing a plurality of regular content items and trial content items corresponding to the regular content items; content storage means for storing the regular content items and trial content items in the database together with trial-content registration dates each indicating a date on which the corresponding trial content item has been stored in the database; sorting data representing the selected regular content items in descending order of registration dates of the trial content items corresponding to the selected regular content items, to thereby produce a list, and transmitting the thus-produced list to the client terminal as search results; trial content distribution means for distributing a trial content item to the client terminal in response to a trial-content distribution request from the client terminal, the trial content item corresponding to content-representing data transmitted from the client terminal together with the distribution request; and regular content distribution means for distributing a regular content item to the portable terminal in response to a regular-content distribution request from the client terminal or the portable terminal, the regular content item corresponding to content-representing data transmitted from the client terminal or the portable terminal together with the distribution request.

It is clear from the description of Kikuchi et al.'s invention that the prior art does not considered the possibility of *"distributing partial data from a source to a user over a communication network where the partial data comprises attribute data and only a part*

Art Unit: 3627

of distribution data, in combination with having the distributed data been separated into part and a remaining part,” as commonly recited in independent claims 1, 2, 3 and 4.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

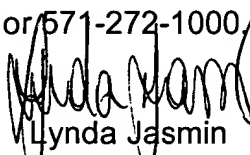
Other prior art of interest Wong, William “Getting in Synch” 1998 discloses the concept of distributing data where the key to reliably maintaining replicated data is proper data synchronization.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda Jasmin whose telephone number is (571) 272-6782. The examiner can normally be reached on Monday- Friday (9:30-6:00) with Thursday Telework.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Lynda Jasmin
Primary Examiner
Art Unit 3627

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